

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEREMY J. QUINN, JR.,

Plaintiff

v.

C-1-13-864

LT. ESHAM, *et al.*,

Defendants

ORDER

This matter is before the Court upon three Reports and Recommendations of the United States Magistrate Judge (doc. nos. 4, 8 and 12) and plaintiff's objections thereto (doc. nos. 16, 18 and 21), to which there has been no response. The Magistrate Judge recommended that plaintiff's Complaint be DISMISSED for failure to state a claim upon which relief may be granted 1) to the extent that plaintiff named SOCF's Warden, Donald Morgan, as a defendant; 2) his allegations that defendant Miller is liable under § 1983 for bringing a "false claim" against him; and 3) his allegations that defendants James and Reiter are liable under § 1983 for their "negligent behavior" in diagnosing and treating the injuries

he received in an assault by SOCF correctional officers. *See* 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) (doc. no. 4).

In the Report and Recommendation filed December 9, 2013 (doc. no. 8, the Magistrate Judge recommended that plaintiff's Motion for Temporary Restraining Order or Preliminary Injunction (doc. no. 7) be DENIED (doc. no. 8)

In the Report and Recommendation filed December 19, 2013, the Magistrate Judge ordered that plaintiff may file an Amended Complaint adding a claim against a new defendant, Captain Howard, but, plaintiff's Motion Requesting the Issuance of a Temporary Restraining Order or Preliminary Injunction (doc. no. 7), be DENIED for the reasons stated in the Report and Recommendation issued on December 9, 2013 (doc. no. 8).

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present

no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Reports and Recommendations of the United States Magistrate Judge (doc. nos. 4, 8 and 12).

CONCLUSION

Plaintiff's Complaint (doc. no. 3) is DISMISSED for failure to state a claim upon which relief may be granted to 1) the extent that plaintiff named SOCF's Warden, Donald Morgan, as a defendant, 2) his allegations that defendant Miller is liable under § 1983 for bringing a "false claim" against him, and 3) his allegations defendants James and Reiter are liable under § 1983 for their "negligent behavior" in diagnosing and treating the injuries he received in an assault by SOCF correctional officers (doc. no. 4).

Plaintiff's Motion for Temporary Restraining Order or Preliminary Injunction (doc. no. 7) is DENIED (doc. no. 8).

The Magistrate Judge's Order to amend the Complaint to include a new defendant, Captain Howard is AFFIRMED. Plaintiff's Motion Requesting the Issuance of a Temporary Restraining Order or Preliminary Injunction (doc. no. 7) in the Amended Complaint is DENIED for the reasons stated in the Report and Recommendation issued on December 9, 2013 (doc. no. 12).

This case is RECOMMITTED to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court